

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 03/01/2010 has been entered. Claims 1, 19, 22-24 and 38 are amended and claims 21 and 33-36 are cancelled. Claims 39 and 40 are added new. Claims 1-19, 22-25, 27-30 and 38-40 are still pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 23 and 38 are rejected under 35 U.S.C. 102(a) as being anticipated by Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1).

Regarding claim 23, Telefonaktiebolaget LM Ericsson teach a method to assist determining whether to initiate a new multicast service within a mobile radio network, wherein user equipment is positioned in a first cell of a first base station having a group of neighbouring cells (see Abstract, Fig.1 and page 18, para [0049]), the method comprising:

determining, for each neighbouring cell in the group of neighbouring cells, whether the user equipment can detect the neighbouring cell (see page 18, para [0051] wherein a mobile station determining & reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned);
generating a user message indicating which of the neighbouring cells the user

equipment can detect; transmitting the user message (see paragraphs [0051] & [0052] wherein the mobile station reporting/transmitting active set/neighbor list information to the network is mentioned);

and receiving a network message generated responsive to the user message, wherein the network message indicates a new transmission of a *point to multipoint* multicast service by a second base station in a second cell; wherein the second cell is indicated in the user message (see page 19, paragraphs [0053] & [0054] wherein, in response to receiving the message from the mobile station 70, the network activating the broadcast/multicast service in the cells identified in the requesting mobile station's reported active set that includes second base station in a second cell, is mentioned and also see para [0049] wherein the network transmitting the broadcast/multicast session to the desired mobile stations in the *dynamic service zones* that include second base station in a second cell, is mentioned).

Regarding claim 38, Telefonaktiebolaget LM teaches a method to initiate a point to multipoint multicast service in a group of cells, the method (see Abstract) comprising: transmitting a network message to initiate a response from a user equipment in the first cell (see para [0034] wherein a network sending a message with registration request flag to mobile station is mentioned); receiving a user message transmitted by the user equipment positioned in the first cell (see paragraphs [0052-53] wherein mobile station sending message back with registration request is mentioned) and in response to the user message, initiating the point to multipoint multicast service in *only* the group of cells neighbouring the first cell (see para [0054] wherein *network initiating the multicast*

service in default service zone 14 controlled by that service area 10 is mentioned and see Fig.1 and para [0052] wherein the neighbour list used in the context of the invention comprising the list of neighbouring service areas corresponding to a default zone for that service area is mentioned and this is clearly equivalent to initiating the point to multipoint multicast service in only the group of cells neighbouring the first cell).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 24-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of 3GPP TS 25.346 V6.0.0 (2004-03) ("3GPP").

Regarding claims 24-25 and 27-30, Telefonaktiebolaget LM Ericsson teaches the method of claim 23 above.

Telefonaktiebolaget LM Ericsson does not teach specifically the method further comprising: receiving 1st signal from 1st base station transmitting the multicast service & receiving 2nd signal from 2nd base station transmitting the multicast service and combining these two signals and also the base station transmission that UE can detect, is combined if multicast service is enabled in the base station and determining a signal measurement for each of the neighbouring cells and that are detected wherein user message further includes signal measurement i.e. indicative of received beacon signal or pilot signal power for each of the neighbouring cells and that are detected.

However, "3GPP" teaches for the method, wherein the user message further includes a signal measurement for each cell (Page 21, section 7.1, 7th para. i.e. based on threshold e.g. measured CPICH EC/N0 from neighbouring cell, UE determines neighbouring cell suitable for selective combining) in the list of one or more neighbouring cells and the signal measurement (i.e. the threshold) can be a received, signal power, a beacon signal power, and a pilot signal power UE could use in selective combining of two signals that are transmitted from 2 base stations that UE can detect having the multicast transmissions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include that UE could use two signals from two base stations having multicast transmissions that UE can detect, for combining and wherein the user message further includes a signal measurement that is indicative of received beacon signal power or pilot signal power for each cell in the list of neighbouring cells disclosed by "3GPP" in order to facilitate UE to determine neighbouring cell suitable for selective combining.

7. Claims 1, 2, 18, 19, 22 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of Jung et al, (Pub. No: 2005/0213541).

Regarding claim 1, Telefonaktiebolaget LM Ericsson teaches a method for determining whether to initiate a multicast service from a first base station of a first cell (see Abstract and para [0049]), the method comprising: receiving a user message transmitted by user equipment positioned in a second cell, wherein the first cell is a neighbour of the second cell, and wherein the user message includes a list of at least one neighbouring cell (see Fig.1 and page 18, para [0051] wherein a mobile station 70 in second cell reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned); and in response to the user message: (i) initiating a point to multipoint multicast service in the first cell, when the first cell is listed in the list of the at least one neighboring cell (see page 19, paragraphs [0053] & [0054] wherein, in response to receiving the message

from the mobile station 70 of second cell, the network activating the broadcast/multicast service in the cells identified in the requesting mobile station's reported active set that includes the first cell, is mentioned).

Telefonaktiebolaget LM Ericsson does not teach specifically the method comprising (i) initiating a point to multipoint multicast service in the first cell, when the first cell is listed in the list of the at least one neighboring cell and a *point to multipoint multicast service is in use in the second cell; otherwise (ii) using a point to point multicast service in the second cell.*

However, Jung et al. teach a method comprising (i) initiating a point to multipoint multicast service in the first cell, when the first cell is listed in the list of the at least one neighboring cell and a point to multipoint multicast service is in use in the second cell otherwise (ii) using a point to point multicast service in the second cell (see Fig.9 and page 6, para [0086] wherein SRNC adding the checked MBMS service area information into the neighboring cell information list and SRNC providing point to multipoint multicast/MBMS service in the cell managed by DRNC (which is equivalent to the first cell) when the cell is in the area of MBMS service is mentioned and when the cell not the MBMS service area of the MBMS service, providing a point-to-point service is mentioned).

Therefore, it would have been obvious to one of ordinary skills in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include initiating a

point to multipoint multicast service in the first cell, when the first cell is listed in the list of the at least one neighboring cell and a point to multipoint multicast service is in use in the second cell, otherwise using a point to point multicast service in the second cell, disclosed by Jung et al. to provide effective transmission of multicast service in a cell of group of cells in the wireless networking system and also to improve the performance of the system by efficiently using network resources for multicast service transmission in the system.

Regarding claim 2, Telefonaktiebolaget LM Ericsson further teaches the method further comprising: transmitting, in the second cell from a second base station, a network message to request the user equipment positioned in the second cell to provide neighbouring cell information; wherein the user message is in response to the network message (see para [0051] wherein the network providing threshold information to the mobile station 70 for use in determining its active set & reporting it to the network is mentioned).

Regarding claim 18, Telefonaktiebolaget LM Ericsson further teaches the method further comprising allowing the user equipment to join the multicast service (page 19, [0054] wherein turning on multicast service for the mobile station's reported active set of cells in response to request from the mobile station is mentioned).

Regarding claim 19, Telefonaktiebolaget LM Ericsson teaches a method for determining whether to initiate a multicast service in a group of cells in a network (see Abstract and para [0049]), the method comprising:

receiving at least one user message transmitted by a respective at least one user equipment positioned in the group of cells in the network, wherein the at least one user message includes a list of at least one neighbouring cell and a request for multicast service (see Fig.1 and page 18, para [0051] wherein a mobile station 70 positioned in the group of cells in the network, reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned and also see para [0053] wherein the mobile station sending the request for multicast service is mentioned);

Telefonaktiebolaget LM Ericsson does not teach specifically the method comprising for each cell of the group of cells, accumulating a first count of the user messages having the cell included in the list of the at least one neighbouring cell; for each cell of the group of cells, initiating the multicast service in the cell if the first count for the cell is not zero; for each cell of the group of cells, accumulating a second count of the user messages received from user equipment in the cell and initiating the multicast service in a cell when the second count for the cell is not zero, wherein initiating the multicast service in a cell when the second counter for the cell is not zero includes: (i) initiating a point-to-point multicast service in the cell if a sum of the first count and second count is less than a threshold number; otherwise (ii) initiating a point-to-multipoint multicast service in the cell.

However, Jung et al. teach a method wherein for each cell of the group of cells, accumulating a **first count** (page 2, [0026], lines 8-11) of the user messages having the cell included in the list of at least one neighbouring cell and accumulating a **second count** of the user messages received from user equipment (see Fig.3 and page 2, para [0024] wherein any user/terminal sending message to network to receive multicast service is mentioned and this user need not be in the list of neighboring cells and also see para [0026], lines 8-11 wherein counting function is mentioned to accumulate the second count of the these user messages); and for each cell of the group of cells, initiating the multicast service in the cell if the first count /second count for the cell is not zero (page 2, [0029], lines 8-12 and Jung et al. teach that network (i.e. RNC) performs a counting function of recognizing the number of UE terminals in a particular cell and according to the result of counting process, network (i.e. RNC) does transmit the multicast service if the count is not zero), wherein initiating the multicast service in a cell when the second counter for the cell is not zero includes: initiating a point-to-point multicast service in the cell if a sum of the first count and second count is less than a threshold number; otherwise initiating a point-to-multipoint multicast service in the cell (see paragraphs page 2, [0027], [0028] & [0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include for each cell of the group of cells, accumulating a first count of the user messages having the cell

included in the list of the at least one neighbouring cell, for each cell of the group of cells, initiating the multicast service in the cell if the first count for the cell is not zero and for each cell of the group of cells, accumulating a second count of the user messages received from user equipment in the cell and initiating the multicast service in a cell if the second count for the cell is not zero, wherein initiating the multicast service in a cell when the second counter for the cell is not zero includes initiating a point-to-point multicast service in the cell if a sum of the first count and second count is less than a threshold number, otherwise initiating a point-to-multipoint multicast service in the cell disclosed by Jung et al. to provide effective transmission of multicast service in a cell or specific group of cells in the wireless networking system and also to improve the performance of the system by efficiently using network resources for multicast service transmission in the system.

Regarding claim 22, Telefonaktiebolaget LM Ericsson teaches a method for determining whether to initiate a multicast service in a group of cells in a network (see Abstract and para [0049]), the method comprising:

receiving at least one user message transmitted by a respective at least one user equipment positioned in the group of cells in the network, wherein the at least one user message includes a list of at least one neighbouring cell and a request for multicast service (see Fig.1 and page 18, para [0051] wherein a mobile station 70 positioned in the group of cells in the network, reporting its active set i.e. the set of RBSs from which it receives signals above a given signal strength, to the network is mentioned and

also see para [0053] wherein the mobile station sending the request for multicast service is mentioned);

Telefonaktiebolaget LM Ericsson does not teach specifically the method comprising for each cell of the group of cells, accumulating a first count of the user messages having the cell included in the list of the at least one neighbouring cell; for each cell of the group of cells, initiating the multicast service in the cell when the first count for the cell is not zero; wherein initiating the multicast service in a cell when the first count for the cell is not zero includes: initiating a point-to-point multicast service in the cell when the first count is less than a threshold number; otherwise initiating a point-to-multipoint multicast service in the cell.

However, Jung et al. teach a method wherein for each cell of the group of cells, accumulating a first count of the user messages having the cell included in the list of at least one neighbouring cell (page 2, [0026], lines 8-11) and for each cell of the group of cells, initiating the multicast service in the cell if the first count for the cell is not zero (page 2, [0029], lines 8-12 and Jung et al. teach that network (i.e. RNC) performs a counting function of recognizing the number of UE terminals in a particular cell and according to the result of counting process, network (i.e. RNC) does transmit the multicast service if the count is not zero), wherein initiating the multicast service in a cell when the first count for the cell is not zero includes: initiating a point-to-point multicast service in the cell when the first count is less than a threshold number;

otherwise initiating a point-to-multipoint multicast service in the cell
(see paragraphs page 2, [0027], [0028] & [0031]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson to include accumulating a first count of the user messages having the cell included in the list of the at least one neighbouring cell for each cell of the group of cells, and for each cell of the group of cells, initiating the multicast service in the cell when the first count for the cell is not zero, wherein initiating the multicast service in a cell when the first count for the cell is not zero includes initiating a point-to-point multicast service in the cell when the first count is less than a threshold number, otherwise initiating a point-to-multipoint multicast service in the cell, disclosed by Jung et al. to provide effective transmission of multicast service in a cell or specific group of cells in the wireless networking system and also to improve the performance of the system by efficiently using network resources for multicast service transmission in the system.

Regarding claims 39 and 40, Telefonaktiebolaget LM Ericsson further teaches the method wherein the list of the at least one neighbouring cell comprises a list of neighbouring cells capable of providing a multicast service if that service were to be requested by a UE and wherein the list of the at least one neighbouring cell comprises a list of neighbouring cells presently transmitting a multicast service.
(see page 18, para [0049]).

8. Claims 3-13 and 15 -17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of Jung et al. (Pub. No: 2005/0213541) and further in view of 3GPP TS 25.346 V6.0.0 (2004-03) ("3GPP").

Regarding claims 3-6 and 8, Telefonaktiebolaget LM Ericsson and Jung et al. together teach the method of claim1 above.

Telefonaktiebolaget LM Ericsson and Jung et al. together yet do not teach specifically the method, wherein the list of the at least one neighbouring cell that indicate base stations having transmissions that UE can detect or de-modulate is a list of neighbouring cells the UE could use for combining if the multicast service is initiated in the listed neighbouring cell or transmitted by the indicated base station.

However, "3GPP" teaches the method, wherein the list of the at least one neighbouring cell (or base stations) is a list of neighbouring cells (or base stations having transmissions that UE can detect or demodulate) the user equipment could use for combining if the multicast service is initiated in the listed neighbouring cell or transmitted by the indicated base station (see page 21, section 7.1 and also see pages 23-24, sections 7.3.1 – 7.3.5 of "3GPP" teach that user equipment performs selective combining if UE has valid MBMS neighbouring cell information of that cell for MBMS reception).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to include that UE could use list of neighbouring cells that indicate base stations having transmissions that UE can detect or de-modulate, for combining if the multicast service is initiated in the listed neighbouring cell as disclosed in "3GPP" in order to have better reception of multicast service.

Regarding claim 7, Telefonaktiebolaget LM Ericsson and Jung et al. do not teach specifically the method wherein the list of the at least one neighbouring cell indicates base stations having transmissions that user equipment is able to demodulate.

However, "3GPP" teaches the method wherein the list of the at least one neighbouring cell indicates base stations having transmissions that user equipment is able to demodulate (see page 21, section 7.1 and also see pages 23-24, sections 7.3.1 – 7.3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to include the list of the at least one neighbouring cell that indicates base stations having transmissions that user equipment is able to demodulate, disclosed by 3GPP in order to have better reception of multicast service.

Regarding claims 9-13, Telefonaktiebolaget LM Ericsson and Jung et al. together teach the method of claim 1 above.

Telefonaktiebolaget LM Ericsson and Jung et al. together yet do not teach specifically for the method, wherein the user message further includes a signal measurement which

is indicative of one or more signal quality, an error rate, a received signal power, a beacon signal power, a pilot signal power, signal power of existing multicast transmission or signal to noise ratio, for each cell in the list of the at least one neighbouring cell.

However "3GPP" teaches for the method of claim 1, wherein the user message further includes a signal measurement for each cell (Page21, section 7.1, 7th para. i.e. based on threshold e.g. measured CPICH EC/N0 from neighbouring cell) in the list of at least one neighbouring cell and the signal measurement (i.e. the threshold) can be an error rate (i.e. block error rate, CRC), a received signal power, a beacon signal power, a pilot signal power or EC/No that UE could use in selective combining.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to have the user message further includes a signal measurement that is indicative of one or more of a signal quality for each cell in the list of neighbouring cells disclosed by "3GPP" in order to facilitate UE to determine neighbouring cell suitable for selective combining.

Regarding claims 15 &16, Telefonaktiebolaget LM Ericsson and Jung et al. together teach the method of claim1 above.

Telefonaktiebolaget LM Ericsson and Jung et al. together yet do not teach specifically

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that the method, further comprising transmitting from a 2nd base station in the 2nd cell, an initial message to wake the UE in 2nd cell from an idle mode wherein the initial message is a page notification message including a set of indicators corresponding to a respective set of multicast services and wherein each of the indicators indicates whether the second base station is transmitting an updated multicast control channel message.

However, "3GPP" teaches that the method comprising the act of transmitting from a second base station in the second cell, an initial message to wake the user equipment positioned in the second cell from an idle mode (Page 26, Section 8.1.1, 1st para, lines 2-3 i.e. UTRAN may first apply conventional paging to move UEs in URA_PCH to Cell_PCH state) and wherein the initial message is a page notification message including a set of indicators corresponding to a respective set of multicast services (Page 13, Section 5.2.4, 3rd para), and wherein each of the indicators indicates whether the second base station is transmitting an updated multicast control channel message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to include transmitting an initial message, which is a page notification message including a set of indicators corresponding to a respective set of multicast services, from a 2nd base station in a 2nd cell to wake the user equipment positioned in the second cell from an idle mode disclosed by "3GPP" to apply counting to determine the most optimal mode

for multicast service.

Regarding claim 17, Telefonaktiebolaget LM Ericsson and Jung et al. together yet do not teach the method wherein, the network message includes a cause value that indicates an enhanced counting procedure is invoked for the multicast service.

However, "3GPP" teaches that the method, wherein the network message includes a cause value (Page 14, Section 5.2.5, 1st para) that indicates an enhanced counting procedure is invoked for the multicast service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to include the cause value in the network message disclosed by "3GPP" to indicate an enhanced counting procedure is invoked for the multicast service.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Telefonaktiebolaget LM Ericsson (Pub. No: WO-2004/016012 A1) in view of Jung et al. (Pub. No: 2005/0213541) and further in view of Cooper (US Pub. No: 2006/0194582 A1).

Regarding claim 14, Telefonaktiebolaget LM Ericsson and Jung et al. do not teach specifically that the method further comprising:
transmitting from a 2nd base station in the 2nd cell, an initial message to indicate to the user equipment a list of cells that are neighbours to the 2nd cell.

However, Cooper teaches (see para 0046, lines 10-13) that the active network (i.e. UMTS) signals neighbouring cell information to the user equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Telefonaktiebolaget LM Ericsson and Jung et al. to include transmitting network message to indicate to UE the list of neighbouring cell information disclosed by Cooper in order to guarantee providing the multicast service in 1st cell thereby improving the performance of the network.

Response to Arguments

10. Applicant's arguments filed on 03/01/2010 with respect to claims 1-19, 22-25, 27-30 and 38-40 have been considered but they are not persuasive.

11. Applicant's amendment of independent claims 1, 19, 22 and 23 necessitated new citations of the references as presented in the current office action.

12. In pages 11-12 of Applicant's Remarks, regarding independent claims 1 and 23, Applicant mentions that Ericsson does *not* decide between a point to multipoint multicast signal and a point to point multicast signal, as specified for example in Claims 1 and 23.

However, ***the Examiner respectfully disagrees to the above statement*** of the Applicant as for the independent *claim 1*, Jung et al. teaches the method comprising initiating a point to multipoint multicast service in the first cell, when the first cell is listed in the list of the at least one neighboring cell and a point to multipoint multicast service is in use in the second cell otherwise using a point to point multicast service in the

second cell (see Fig.9 and page 6, para [0086] wherein SRNC adding the checked MBMS service area information into the neighboring cell information list and SRNC providing **point to multipoint** multicast/MBMS service in the cell managed by DRNC (which is equivalent to the first cell) when the cell is in the area of MBMS service is mentioned and when the cell not the MBMS service area of the MBMS service, providing a **point-to-point** service is mentioned) and thus Ericsson in combination with Jung et al. teach all the limitations of the claims as already mentioned above under Claim Rejections.

For the independent *claim* 23, Ericsson clearly teaches the method comprising receiving a network message generated responsive to the user message, wherein the network message *indicates a new transmission of a point to multipoint* multicast service by a second base station in a second cell (see page 19, paragraphs [0053] & [0054] wherein, in response to receiving the message from the mobile station 70, the network activating the broadcast/multicast service in the cells identified in the requesting mobile station's reported active set that includes second base station in a second cell, is mentioned and also see para [0049] wherein the network transmitting the **broadcast/multicast session to the desired mobile stations** i.e. *point to multipoint* multicast in the *dynamic service zones* that include second base station in a second cell, is mentioned).

13. In pages 13-14 of Applicant's Remarks, regarding independent claims 19 and 22, Applicant mentions that Jung lays out a decision about whether to use a point to multipoint or a point to point multicast service based on the number of users in a

particular cell, other cells are not of relevance to this decision when employing Jung's teachings and combining Ericsson with this teaching would lead to a system in which a decision regarding "controlling" service area 10 either to use a point to multipoint multicast service or a point to point multicast service would result in the chosen type of service being used in the remainder of the service areas 10 in a zone and such a system would not be efficient, since it would result in a type of service that is appropriate to the number of users in the controlling cell being applied to the remaining service areas, whether or not it is appropriate to them and further mention that combining Ericsson with Jung does not lead to the claimed arrangement, even were such a combination an obvious step.

However, *the Examiner respectfully disagrees to the above statements* of the Applicant as Jung clearly teaches that (see para [0026]) the RNC performs a counting function of recognizing the number of terminals that wish to receive a particular **MBMS service** within a cell by using the MBMS notification process and **see para [0031] wherein the MBMS service area can be indicated by one or more cells and can be included in an area managed by one RNC** is mentioned and also a list of neighboring cell information refers to a list including information of cells managed by DRNC positioned near the RNC is mentioned and thus combining Jung's teachings and Ericsson would still lead to an efficient system as the counting users in one cell results in using MBMS multicast service in that cell and also continues MBMS service in other cells as the MBMS service area can include more than one cell and thus Ericsson in

combination with Jung et al. teach all the limitations of claims 19 and 22 as already mentioned above under Claim Rejections.

14. The rejection of all other claims is already explained under Claim Rejections above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

16. Any response to this office action should be faxed to (571) 273-8300 or mailed

To:

Commissioner for Patents,
P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SRINIVASA R. REDDIVALAM whose telephone number is (571)270-3524. The examiner can normally be reached on Mon-Fri 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chirag Shah can be reached on 571-272-3144. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Srinivasa R. Reddivalam

05/25/2010

/Chirag G Shah/

Supervisory Patent Examiner, Art Unit 2477